

DRAFT

UNIFIED PROGRAM STRATEGIC PLAN FOR CALIFORNIA FIRE CODE HMMP/HMIS PROGRAM ELEMENT

INTRODUCTION

This strategic plan is intended to serve as a guide for meeting the mission, vision, goals, and objectives established for the SFM in the Unified Program. The plan was developed with input from all participating stakeholders, and takes into consideration perspectives from the regulatory, business, and public communities. Specific strategies and performance measures are provided where ever practicable.

The SFM, together with input from Cal/EPA, the Certified Unified Program Agencies (CUPAs), participating Boards, Departments, and Offices (BDOs), and other stakeholders, will evaluate progress toward meeting the goals and objectives of this strategic plan on an annual basis. A summary of the results of the evaluation will be published by December 30 of each year in the Cal/EPA “State of the Unified Program” report.

BACKGROUND

The Unified Program (UP) was created by Senate Bill 1082 (1993) to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for the following six environmental and emergency management programs:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention (CalARP) Program,
- Underground Storage Tank (UST) Program,
- Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure (SPCC) Plans,
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs, and
- California Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs.

State agencies with statutory authority over these programs provide implementation oversight and assistance to the CUPAs for the six program elements. Most CUPAs

have been established as a function of a local environmental health or fire agency. Some CUPAs have contractual agreements with other local agencies called Participating Agencies (PAs), which implement one or more program elements in coordination with the CUPA. Collectively these agencies are known as Unified Program Agencies (UPAs).

The success of the Unified Program depends on effective working partnerships of local, state, and federal agencies. Several advisory committees and working groups have been established to provide program direction, make policy, and resolve administrative and technical program issues. The Unified Program Administrative and Advisory Group (UPAAG) has members from federal, state, and local agencies. State agencies address individual BDO issues at the Unified Program Advisory Group (UPPG), and local CUPAs meet in regional committees through a partnership established by the [California CUPA Forum](#) group.

Industry and environmental working groups have also been formed to establish a forum for open discussion of issues between state and local regulators, the regulated community, environmental, and public interest groups.

Agency participation includes:

United States Environmental Protection Agency (U.S. EPA)

U.S. EPA provides input to the Unified Program from a federal perspective, and has authorized California to implement the hazardous waste management program for U.S. EPA. However, U.S. EPA maintains independent inspection and enforcement responsibilities, and ensures that the hazardous waste management program, which includes hazardous waste generator programs implemented by the UPAs, are applied consistently throughout California.

California Environmental Protection Agency (Cal/EPA)

The Secretary of the Cal/EPA is responsible for coordinating the administration of the Unified Program. The Secretary certifies UPAs, and has general program oversight authority, in cooperation with the state BDOs, which have direct authority for their individual program elements. The Secretary has certified 72 CUPAs to date. These 72 CUPAs carry out the responsibilities previously handled by approximately 1,300 state and local agencies. In local jurisdictions that do not currently have a CUPA, the Secretary designates a local or state agency to implement portions of the Unified Program.

Department of Toxic Substances Control (DTSC)

The DTSC provides technical assistance and evaluation for the hazardous waste generator program including onsite treatment (tiered permitting).

Governor's Office of Emergency Services (OES)

The OES is responsible for providing technical assistance and evaluation of the Hazardous Materials Release Response Plan and Inventories (Business Plan) Program and the California Accidental Release Response Plan (CalARP) Program.

Office of the State Fire Marshal (SFM)

The SFM is responsible for ensuring the implementation of the California Fire Code Hazardous Material Management Plan and the Hazardous Material Inventory Statement Program (HMMP/HMIS). These programs tie in closely with the Business Plan Program.

State Water Resources Control Board (SWRCB)

The SWRCB provides technical assistance and evaluation for the underground storage tank program, in addition to handling the oversight and enforcement for the aboveground storage tank program.

Certified Unified Program Agencies (CUPAs)

Each CUPA is responsible developing and implementing a program that meets all the statutory, regulatory, and performance requirements established in the Unified Program. If the CUPA has PAs within their jurisdiction, CUPAs are responsible for ensuring that their PAs are performing adequately.

The provisions of the CFC HMMP/HMIS need to be integrated into the CUPA's overall program. Typically, this is achieved by merging the requirements of the CFC HMMP/HMIS requirements with the California Health and Safety Code (HSC) Chapter 6.95 Article 1 Business Plan requirements. The integration process needs to include input and agreement between the CUPA and the local fire authority having jurisdiction. The CUPAs are also responsible for establishing working relationships with all fire agencies within its jurisdiction, to the degree necessary, to assure that the needs of all stakeholders are met, while minimizing unnecessary duplication and overlap of similar hazardous materials requirements.

UNIFIED PROGRAM MISSION

To protect public health and safety, restore and enhance environmental quality, and sustain economic vitality through effective and efficient implementation of the Unified Program.

UNIFIED PROGRAM VISION

A California that enjoys a clean, safe, healthy, sustainable environment that enhances the quality of life for current and future generations, and protects our diverse natural resources through effective partnership of federal, state, and local agencies.

GUIDING PRINCIPLES

Equal Implementation – the business community, regulatory agencies, and the public are equal players.

Consistency – program requirements are applied uniformly.

Consolidation – similar standards are consolidated wherever feasible.

Coordination, Communication, and Cooperation – all stakeholders have an opportunity to provide input.

SFM HMMP/HMIS PROGRAM MISSION

The mission of the SFM in the Unified Program HMMP/HMIS element is to protect life and property through the prevention, control, and mitigation of dangerous conditions relating to storing, dispensing, using, and handling hazardous materials; and providing information needed for emergency response in accordance with the applicable HMMP/HMIS requirements of CFC.

SFM HMMP/HMIS PROGRAM VISION

The SFM provides oversight and guidance to facilitate the consolidation of the HMMP/HMIS program element into the Unified Program, to the maximum extent feasible within statutory constraints, to meet the intent of coordinating, consolidating, and making the program consistent with other hazardous materials programs; while reducing the regulatory burden on business, and duplication of effort by regulatory agencies. This program is intended to enhance coordination, communication, and cooperation between the CUPA, fire agencies, businesses, and associated stakeholders.

GENERAL RESPONSIBILITIES OF THE SFM IN THE UNIFIED PROGRAM

The SFM is responsible for ensuring that the HMMP/HMIS sections of the CFC are consolidated into the Unified Program. Consolidation shall occur through coordination and communication of program needs between the CUPA and the local fire agencies in accordance with the requirements. Program implementation shall be carried out based on individual jurisdictional needs and organizational structures. Consistency shall be obtained through cooperation and agreement between relevant stakeholders.

The SFM provides the State vision for implementing effective and efficient strategies for sharing of information between the businesses, UPAs, and the public. The SFM fulfills its responsibilities by conducting CUPA evaluations, developing policy and guidance, and providing training, education, and technical assistance.

GOALS AND OBJECTIVES

Before each major set of goals and objectives is a heading, which provides a brief synopsis of the current and desired future state of the program, based on input from stakeholders, and findings from CUPA evaluations. The major heading categories are considered to be the primary areas of focus for concentration to attain full compliance with Unified Program performance standards and regulations, and to satisfy the intent of the statute.

Goals and objectives are included to identify the specific areas that need to be addressed. Strategies are also included to provide some guidance toward meeting those goals and objectives. Most of the goals, objectives, and strategies here do not have “hard” dates for completion, and may not be specific with respect to measurement. However, general measurement criteria are included, and will be evaluated annually as part of the State of the Unified Program report published by Cal/EPA, pursuant to the measures indicated. As the program grows and evolves, more information is obtained, and new standards are applied, more specificity may be applied to the measurement criteria, and additional evaluation parameters may be included. Finally, this should be considered a “living” document, which will change with program changes and improvements.

If the all stakeholders diligently work toward achieving the intent of the goals and objectives presented in this strategic plan, with the idea of continuous improvement, the HMMP/HMIS program element should be effectively implemented throughout the state.

I. Consolidation of HMMP/HMIS

Current: Many of the CUPAs that have an adequate program for Hazardous Materials Release Response Plans and Inventories (Business Plans) pursuant to Health and Safety Code (HSC) Chapter 6.95, Article 1, have not adequately addressed the consolidation of the CFC HMMP/HMIS plans into their programs. In some cases,

enhanced coordination and communication with local fire agencies may be needed to merge the two program elements, to the extent possible, to make the programs consistent, while reducing the regulatory burden on business, and duplication of effort by regulatory agencies. As the repository for the Business Plan, the CUPA needs to initiate this effort in close cooperation with the local fire chief.

Future: Because the Business Plan and the HMMP/HMIS program requirements are similar, it is important that coordination and communication between the CUPA and fire agencies be established for consolidating the two plans. Providing clear direction to businesses and other agencies to minimize duplicative requirements when collecting hazardous materials information from regulated entities is essential. The CUPA should clearly define individual agency roles and responsibilities to assure that all information required by the local fire chief pursuant to HMMP/HMIS requirements is collected for those businesses regulated by the CUPA. It is critical that these roles and responsibilities be established and agreed upon by both parties i.e., CUPA management and the local Fire Chiefs.

Consolidation of the two plans is usually accomplished by combining the HMMP/HMIS requirements into the Business Plan program. The program should remain flexible enough to allow the individual CUPA and fire agency jurisdictions to jointly determine what fire code information is needed, and how that information will be incorporated into the Unified Program. It is incumbent upon the CUPA and the appropriate fire agency to establish what is, and is not, needed in their jurisdiction.

Goal: Consolidation of the HMMP/HMIS into the CUPA programs.

Objectives: Each CUPA consolidates the HMMP/HMIS into the Business Plan program element to reduce the regulatory burden on business and duplication of effort by implementing agencies, while at the same time meeting statutory requirements of similar standards and missions of related agencies through interagency coordination, communication, and cooperation.

Strategies: CUPAs and fire agencies establish working relationships through committees, workgroups, meetings, or other information exchange forums. Interagency communication, coordination, and cooperation identify, evaluate, and document joint information/data needs so that the collection of such data will be done as consistently as possible, without unnecessary duplication and regulatory overlap.

Measurement: The goals and objectives outlined here will be measurable by monitoring the results of the CUPA evaluation findings using deficiency tracking documents. At the end of the measurement period (annually), evaluation deficiencies and state agency recommendations will be assessed for the sample set, using the data obtained from the evaluation reports and deficiency tracking documents. A numerical count of compliant/non-compliant CUPAs, along with a narrative explanation of the results will be provided.

II. Data Management and Assessment

Current: The CUPAs have an array of data management systems for the collection, manipulation, and distribution of HMMP/HMIS data by way of the Business Plan. Some are sophisticated electronic systems, while others are paper systems. CUPAs are required to share HMMP/HMIS information, collected in the Business Plan, with the local fire agencies within 15 days of receipt and confirmation. The HMMP/HMIS requirements may necessitate the collection of additional information required or requested by the local fire chief pursuant to the fire code. The collection, consolidation, and distribution of this information to the fire agencies is critical in preventing duplication, while at the same time providing the information required in the fire code.

Some of the current issues include not collecting all the required data, inaccurate data, incomplete information, lack of electronic data systems, incompatible and inconsistent data platforms, and untimely data sharing with the fire agencies.

Future: As the availability and advancement in electronic databases improves, and knowledge and awareness increases, more CUPAs and fire agencies should begin using compatible systems for quick, efficient, and consistent data sharing. It is important that the CUPAs establish and maintain open communication with fire agencies so that consistent and compatible information sharing systems are developed, and all the required and requested information is collected and transferred. In the absence of an effective electronic data management system, an agreed upon “hard-copy” distribution system needs to be in place for sharing the HMMP/HMIS plan requirements together with the Business Plan.

Goals: The development of standard systems, methods, and procedures for sharing HMMP/HMIS information by electronic and hard-copy options.

Objectives: Encourage relevant stakeholders, such as CUPA, fire agencies, and business representatives, to identify data sharing needs and information requirements, and develop appropriate data sharing strategies; including electronic and hard copy options.

Strategies: Stakeholders to share data distribution systems and methods with each other through CUPA Forum meetings, Technical Advisory Groups (TAG) groups, conferences, web sites, training workshops, publications, and other information exchange forums. Assess current data sharing methods and identify the best options taking into consideration information needs, economics, availability, usefulness, and ability to meet all applicable requirements.

Measurement: Compliance with the minimum standard of “sharing a hard-copy version of the business plan with the fire agencies within 15 days of receipt and confirmation” can be measured using the statutory requirement. However, assessing the degree of coordination and communication with fire agencies, and

additional information needs by the fire chief, as well as assessing the use of electronic data systems, may be more difficult, especially if the program and relationship between the CUPA and fire agencies is lacking. The narrative portion of the measurement section will discuss the latter issues on a case-by-case basis, and will generalize overall issues where possible.

III. Inspections

Current: The CUPAs are required to coordinate and consolidate inspections of regulated facilities to the maximum extent feasible. Joint hazardous materials inspections are being conducted between the CUPAs and fire agencies to varying degrees. Some CUPAs have formal PA agreements with fire agencies, where single shared inspections are integrated into the program. Other jurisdictions have informal arrangements where joint inspections are coordinated when feasible, and many have no program for coordinating and consolidating similar inspection types with the fire agencies.

Future: Hazardous materials inspections related to HMMP/HMIS plans and Business Plans should be coordinated and consolidated with the fire agencies whenever practicable. At a minimum, CUPAs should communicate with their local fire agencies to determine how they are conducting inspections of regulated facilities subject to HMMP/HMIS requirements of the fire code, to prevent redundancy with the Business Plan inspections.

Goals: To establish joint inspection programs with fire agencies wherever practicable to prevent duplicative inspections and inconsistent interpretation of similar requirements.

Objectives: The consolidation of similar hazardous materials inspections within the same jurisdiction, and the sharing of facility hazardous materials use, storage, handling, and dispensing data and information obtained through joint or shared inspection programs will increase cooperation between agencies, and should reduce redundant inspection requirements on regulated entities. Interagency cooperation should also encourage, establish, and expand future joint partnerships relating to hazardous materials management and emergency response.

Strategies: Partnerships established through participation in local and area agency workgroups, fire chief's meetings, CUPA forums, business round-tables, and other committees will encourage consolidation of similar requirements, and increase information exchange, while at the same time reduce the regulatory burden on business, and increase the level of service.

Measurement: A minimum level of attainment toward this goal can be measured using the evaluation data and deficiency tracking documents. Specific numbers of compliant/non-compliant CUPAs will be presented, according to

evaluation findings. A more qualitative description of joint inspection programs that go beyond the minimum will be discussed in the narrative to provide a look at progressive programs that can be used as models for continuous improvement.

IV. Enforcement

Current: Authority for enforcing the HMMP/HMIS is contained in the fire code, and may be used by CUPAs that are fire agencies. Local environmental health agencies generally do not have authority to enforce the fire code, but could work cooperatively with the local fire chief to bring an enforcement case against a recalcitrant facility. Enforcement activities may also be conducted and consolidated as part of the Unified Program enforcement authority contained in HSC Chapters 6.11 and 6.95. Local fire and building code requirements and permits are specifically excluded from the Unified Program permit; except that additional local information needed by fire agencies to comply with the HMMP/HMIS requirements are required to be coordinated between the CUPA and the fire agencies.

Future: The various enforcement options available under the fire code and the Unified Program for assuring that the HMMP/HMIS requirements are incorporated into the Business Plan, or otherwise consolidated, and enforced consistently throughout the jurisdiction should be explored. CUPAs may take formal action using the appropriate enforcement mechanism under Chapters 6.11 and 6.95, or through coordination with the local fire chief under the fire code. Enforcement options should be discussed with the local fire authority, and joint enforcement program policies should be developed wherever practicable to coordinate, consolidate, and make the programs consistent.

Goals: To communicate, consolidate, coordinate, and make available all enforcement policies and options used by CUPAs and local fire agencies to assure consistent enforcement of HMMP/HMIS requirements, while at the same time reduce the potential for duplicative and inconsistent enforcement by different agencies for similar requirements.

Objectives: A uniform and coordinated enforcement approach that facilitates compliance and increases deterrence through the use of all available enforcement mechanisms. Interagency cooperation combined with consistent enforcement policies aimed toward reducing non-compliance and streamlining enforcement activities.

Strategies: Through local and regional enforcement workgroups, task force committees, fire chief's meetings, and other forums, enforcement mechanisms can be shared between the CUPA and fire agencies, thereby increasing the available options, while concurrently unifying enforcement policy for the HMMP/HMIS and Business Plan program elements.

Measurement: Measuring these goals and objectives will be evaluated by assessing CUPA enforcement policies and procedures. The measurement of the degree to which policies and programs have been consolidated with fire agencies may be fairly qualitative and subjective at first until a number of good working programs from the CUPA community are identified, and can be used as examples or models for performance. Each CUPA will likely be somewhat different in its relationship to its fire agencies due to individual jurisdictional, structural, and organizational differences.

V. Training

Current: SFM works with the State Training Coordinators Group (STCG), Unified Program annual conference committee, and other interested stakeholders to identify, develop, and deliver, or make available, training classes on hazardous materials requirements. SFM prepares and distributes information bulletins, guidance documents, and maintains a website on issues affecting the Unified Program on the HMMP/HMIS program element, and other fire protection related issues. SFM also contributes financial and staff resources to the annual Unified Program conference.

Future: SFM, in conjunction with STCG and other stakeholders, will continue to offer training in the Unified Program HMMP/HMIS program element, as well as provide a complete curriculum and regular training courses covering hazardous materials issues from the fire code perspective. The SFM will also continue its efforts to keep stakeholders updated on fire code related issues impacting hazardous materials and the Unified Program through CUPA forum meetings, information bulletins, reference materials, and the website.

Goals: To provide training, education, and informational literature on the HMMP/HMIS program element, and other fire code hazardous materials issues impacting Unified Program stakeholders.

Objectives: Maintain a high level of awareness of the HMMP/HMIS requirements and related issues for all stakeholders by providing needed training sessions, meetings, website access, and informational literature.

Strategies: CUPA forum meetings, the annual CUPA Conference, website access, and periodic refresher training all can be used to maintain an adequate level of competence and awareness of the HMMP/HMIS requirements. The STCG committee will also assess training needs and determine what classes are needed when, and where the classes should be held to provide maximum stakeholder coverage.

Measurement: Customer satisfaction surveys will be used to assess the degree to which these goals and objectives have been accomplished.

VI. Oversight

Current: The SFM provides state oversight and management of the CFC HMMP/HMIS program element of the Unified Program. CUPA oversight services and activities are carried out primarily through triennial CUPA evaluations. The evaluations include formal audits of each CUPA, its regulated facilities, and stakeholders. The audits include CUPA management and staff interviews, file reviews, informal fire agencies visits, limited technical assistance, stakeholder outreach, and periodic on-site facility inspections.

Future: The SFM seeks to provide prompt, professional, and complete oversight evaluations and service to the CUPAs. Additional oversight services include fire agency consultation, training to interested parties, and technical assistance outreach to all stakeholders.

Goals: To audit and assess CUPA compliance with established performance standards, regulations, and statutory requirements, and clarify interpretations and misperceptions about program requirements, policy, and procedures. Oversight also attempts to serve as a catalyst for improving coordination and communication between the CUPA, fire agencies, and regulated entity stakeholders, as well as the public in order to improve the fairness, consistency, accuracy, and timeliness relevant program requirements and information.

Objectives: To provide a complete and accurate assessment of the status of CUPA compliance with the HMMP/HMIS program element, while concurrently informing and updating program stakeholders of requirements and methods for achieving compliance with the standards.

Strategies: The SFM will participate in all CUPA evaluations, prepare detailed written reports, follow up with CUPAs and other stakeholders as necessary to assist with compliance, and work with Cal/EPA and the other BDOs to improve and streamline the evaluation process.

Measurement: Program oversight will be measured by counting the number of evaluations completed, and comparing that number against the requirement for triennial evaluations. One method for evaluating stakeholder satisfaction will be by assessing the Cal/EPA customer satisfaction surveys received from evaluated CUPAs.

VII. Technical Assistance

Current: The SFM participates in all Unified Program development and maintenance related activities, and provides technical assistance to the regulatory, business, and public sectors interested in the program. Areas of involvement include, but are not limited to, state and local policy and advisory committee membership, training

programs, statutory and regulatory analysis and development, and general program implementation and improvement processes. The SFM serves as the State's technical liaison to all program stakeholders at the federal, state, and local levels with respect to HMMP/HMIS hazardous materials requirements in the California Fire Code.

Future: The SFM's technical assistance is provided in the form of personal one-on-one assistance during CUPA evaluations and other on-site meetings, participation in joint committees and workgroups, and through major professional conferences and seminars on hazardous materials and emergency response.

Goals: To provide technical assistance to all stakeholders in the form of training, education, website access, and technical publications.

Objectives: Maintain an adequate supply of resources, including technically trained personnel, updated and appropriate website information, and written technical guidance materials, available to all stakeholders to assure that the requirements of the HMMP/HMIS program are readily available by program participants.

Strategies: The SFM will maintain a web page for the Unified Program on its website located at <http://osfm.fire.ca.gov>. The SFM CUPA web page links to a technical guidance document that includes a CUPA evaluation questionnaire and compendium of applicable statutes and regulations pertaining to the HMMP/HMIS program element. SFM staff are also available for instruction and consultation regarding the HMMP/HMIS program element in the Unified Program.

Measurement: SFM technical assistance training will be measured by the number of evaluations conducted, fire agency visits made, trainings provided, and customer issues and questions addressed. These numbers will be accompanied by a narrative description of efforts in these areas.

VIII. Program Assessment

Current: Cal/EPA, in cooperation with the BDOs, develop and publish an annual "State of the Unified Program" report. The report evaluates progress on meeting the goals and objectives of this strategic plan.

Future: Each year, Cal/EPA and the BDOs will develop an annual report documenting progress for the year. The report will discuss progress and accomplishment of established goals and objectives, and will propose revised goals and objectives in an updated strategic plan.

Goals: SFM will coordinate with Cal/EPA to conduct an annual evaluation of this strategic plan.

Objectives: Cal/EPA, SFM, and the other BDOs develop and publish an annual “State of the Unified Program” report. The report will evaluate progress on meeting the goals and objectives of this strategic plan.

Strategies: Cal/EPA, SFM, and the other BDOs will prepare their own individual strategic plan program evaluation report at the years end, using the measurement criteria, and any other established parameters. The individual reports will be combined into one joint publication issued by Cal/EPA.

Measurement: By December 30 of each year, each BDO completes its individual report, and Cal/EPA publishes the joint publication: “State of the Unified Program” report.

John Tenant, State Fire Marshal Date
Office of the State Fire Marshal

Mike Dorsey, Chair Date
California CUPA Forum